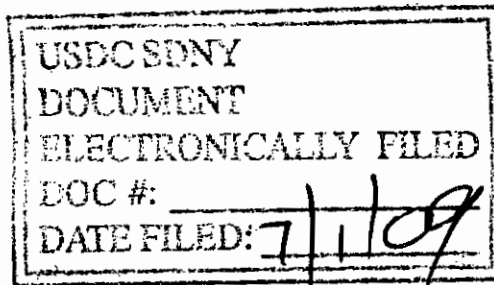


FD-128
(7/93)



United States District Court
for the
Southern District of New York

Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender

Name of Offender: Blech, Richard

Case Number: 02 CR 122 (JGK)

Name of Sentencing Judicial Official: Honorable John G. Koeltl, United States District Judge

Date of Original Sentence: June 3, 2005

Original Offense: Count 2 and 3; Securities Fraud (15 USC 78 j (b) and 78 ff), Class C Felonies,
Count 6: Wire Fraud (18 USC 1343 and 1346), a Class D Felony.

Original Sentence: Seventy-Two (72) Months Imprisonment, to be followed by Three (3) Years
Supervised Release.

Type of Supervision: Supervised Release

Date Supervision Commenced: August 3, 2007

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

The defendant is to advise the United States Probation Department for the Southern District of New York prior to entering the United States. He will also report to the nearest probation department within seventy-two (72) hours of his arrival in the United States.

The defendant will electronically submit a truthful and complete written report within the first five days each month, and the Probation Department will not make said reports available to any person unless ordered to do so by the Court.

The defendant will abide by any Court Orders issued by any Court within the jurisdiction of the United States.

Request for Modifying the
Conditions or Terms of Supervision
with Consent of the Offender

35046- Prob 12B / Page 2

CAUSE

On May 22, 2009, a status conference was held before Your Honor. At that time, Your Honor requested that the defendant, United States Attorney's Office and probation department discuss the implementation of the appropriate terms of supervised release permitting the defendant to reside in France during his term of supervised release.

RECOMMENDATION

At this time the probation department is recommending the suspension (contingent upon the defendant remaining outside of the United States) of the below Standard Conditions of Supervision on the Judgment issued by Your Honor on June 3, 2005:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;

The probation department would recommend the remaining Standard Conditions of Supervision persist:

- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer,
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.

Request for Modifying the
Conditions or Terms of Supervision
with Consent of the Offender

35046- Prob 12B / Page 3

- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

In addition the probation department is recommending the addition of the following Special Conditions:

The defendant is to advise the United States Probation Department for the Southern District of New York prior to entering the United States. He will also report to the nearest probation department within seventy-two (72) hours of his arrival in the United States.

The defendant will electronically submit a truthful and complete written report within the first five days each month, and the Probation Department will not make said reports available to any person unless ordered to do so by the Court.

The defendant will abide by any Court Orders issued by any Court within the jurisdiction of the United States.

The probation department is of the opinion the aforementioned modifications will provide the probation department the conditions necessary for the performance of our duties in this unique situation. The defendant was presented with a waiver to allow for the modifications without a hearing and he refused to sign. As such the probation department is requesting a hearing for the modification of the conditions of supervised release listed above. Pursuant to Rule 32.1 (c) (2) (B), a hearing would not be required for the removal of Standard Conditions 1, 2 and 10, as the relief sought is favorable to the defendant.

We await Your Honor's final decision in this matter, which can be indicated on the next page.

Respectfully submitted,

Michael J. Fitzpatrick
Chief U.S. Probation Officer

By:

Peter A. Merrigan
Supervising U.S. Probation Officer
212-805-5129

Request for Modifying the
Conditions or Terms of Supervision
with Consent of the Offender

35046- Prob 12B / Page 4

02 CR 122 (JGK)



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PROBATION OFFICE**

Judicial Response

[] Modification of Conditions Hearing Date:

Date: _____

Time: _____

Place: _____

OR

☒ Other

The modifications of supervised
release are modified as
recommended by the
Probation Department.

Date

SO ordered.

[Signature]

6/30/09 U.S.D.J.

PROB 49

Waiver of Hearing to Modify Conditions
of Supervised Release

UNITED STATES DISTRICT COURT
for the
Southern District of New York

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Supervised Release. By 'assistance of counsel', I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Supervised Release:

The defendant is to advise the United States Probation Department for the Southern District of New York prior to entering the United States. He will also report to the nearest probation department within seventy-two (72) hours of his arrival in the United States.

The defendant will electronically submit a truthful and complete written report within the first five days each month, and the Probation Department will not make said reports available to any person unless ordered to do so by the Court.

The defendant will abide by any Court Orders issued by any Court within the jurisdiction of the United States.

Witness: _____
U.S. Probation Officer

Signed: _____
Supervised Releasee

DATE

PROPOSED MODIFICATIONS

2. The defendant will electronically submit a truthful and complete written report within the first five days each month, and the Probation Department will not make said reports available to any person unless ordered to do so by the Court.

3. The defendant shall abide by any Court Orders issued by any Court within the jurisdiction of the United States, provided, however, the defendant reserves the right to commence non-frivolous litigation in other jurisdictions as necessary to preserve his rights or the rights or property of Credit Bancorp. N.V.